

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JACK HOWARD
#31428-037

:

Petitioner

:

v.

:

Civil Action No. JFM-06-2283

WARDEN

:

Respondent

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MEMORANDUM

Pending is Jack Howard's pro se request to correct the calculation of his sentence of incarceration. The pleading, construed as a 28 U.S.C. § 2241 petition for writ of habeas corpus, will be dismissed without prejudice.

A § 2241 petition attacks the manner in which a sentence is executed, and is filed in the judicial district where the petitioner is in custody. *See* 28 U.S.C. §2241(a); *see also Braden v. 30th Judicial Circuit*, 410 U.S. 484, 495-500 (1973); *In re Jones*, 226 F.3d 328, 332-333 (4th Cir. 2000). In this case, petitioner is in the custody of the Warden of the Federal Correctional Institution in Loretto, Pennsylvania. That facility is within the judicial district of the United States District Court for the Western District of Pennsylvania. Accordingly, the petition will be dismissed without prejudice to its refiling in the appropriate federal court.

September 19, 2006

/s/

J. Frederick Motz
United States District Judge